

**BILL NO. 2006-34**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO UPDATE THE ZONING STANDARDS APPLICABLE TO GROUP RESIDENTIAL CARE FACILITIES, FACILITIES FOR RECOVERING ALCOHOL AND DRUG ABUSERS, AND FACILITIES FOR RELEASED OFFENDERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of  
Planning and Development

Summary: Updates the zoning standards applicable to group residential care facilities, facilities for recovering alcohol and drug abusers, and facilities for released offenders.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting from the “Institutional and Community Service” element thereof the uses “Halfway House” and “Transitional Living Group Home.”

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use “Halfway House for Recovering Alcohol and Drug Abusers” is a conditional use in the U, R-A, R-E, R-D, R-1, R-CL, R-2, R-3, R-4 and R-5 Zoning Districts. In order to reflect the amendment, the “Residential & Lodging” element of the Land Use Tables is amended to add thereto a new row for the use, reading as follows:

RESIDENTIAL & LODGING	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP
Halfway House for Recovering Alcohol and Drug Abusers	C	C	C	C	C	C	C	C	C	C		

SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to require a Special Use Permit for the use “Facility for Transitional Living for Released Offenders” in the R-3, R-4 and R-5 Zoning Districts. In order to reflect the amendment, the “Institutional and Community Service” element of the Land Use Tables is amended to add thereto a new row for the use, reading as follows:

...

INSTITUTIONAL & COMMUNITY SERVICE	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP
Facility for Transitional Living for Released Offenders								S	S	S		

SECTION 4: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting the subdivision entitled “GROUP RESIDENTIAL CARE FACILITY” and replacing it with a new subdivision entitled “GROUP RESIDENTIAL CARE FACILITY,” reading as follows:

GROUP RESIDENTIAL CARE FACILITY [U, R-A, R-E, R-D, R-1, R-CL, R-2, R-3, R-4, R-5]

(1) The facility must comply on an ongoing basis with all governmental licensing requirements.

(2) The facility must be located on a parcel with a minimum size of six thousand five hundred square feet.

(3) Off-street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator.

(4) Indoor common area shall be provided on the basis of a minimum of fifteen square feet per resident.

(5) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.

(6) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Group Residential Care Facility.

(7) A facility may not be located closer than one thousand five hundred feet (measured by means of the shortest distance from property line to property line) from another Group Residential Care Facility, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers, except where there is an intervening street, freeway, or drainage channel wider than one hundred feet. The provisions of Section 19.04.040(B) do not apply to this Condition. However, a waiver of the distance limitation may be obtained from the City Council, after a recommendation from the Planning Commission, as follows:

(a) A public hearing must be conducted by both the Planning Commission and City Council, after notice of hearing has been provided as in the case of a Special Use Permit.

(b) The applicant must demonstrate to the satisfaction of the City Council that:

1 (i) Approval of the waiver will not adversely affect the health and safety of the  
2 general public or the residents of any existing or proposed facility whose location is being considered  
3 in connection with the waiver;

4 (ii) The location of the proposed facility in proximity to other facilities whose  
5 location is being considered will not inhibit the integration of disabled persons into the community  
6 or neighborhood in question;

7 (iii) The proposed facility will be operated in compliance with Condition 1;

8 (iv) The proposed facility will comply with Conditions 2 through 6 and Condition  
9 8, unless any such condition has been waived in connection with the approval of a Special Use Permit;  
10 and

11 (c) Approval of a waiver may be conditioned upon measures designed to ensure  
12 compatibility of the use.

13 (8) The number of occupants within a Group Residential Care Facility shall not exceed the  
14 following occupancy standards:

15 (a) For the first bedroom (deemed to be the largest bedroom), a maximum of two adults  
16 (eighteen years of age or older).

17 (b) For each bedroom thereafter:

18 (i) A maximum of one adult, for bedrooms less than one hundred square feet in  
19 area; and

20 (ii) A maximum of two adults, for bedrooms one hundred square feet in area or  
21 greater.

22 (9) In connection with approval of a Special Use Permit, the City Council may waive any of the  
23 occupancy standards in Condition 8 for disabled adults if the applicant demonstrates that:

24 (a) There will be adequate parking based on the number of occupants physically or  
25 mentally capable of operating an automobile, as well as the number of automobiles expected to be  
26 utilized by staff regularly managing or serving the occupants;

27 (b) The number of occupants will not exceed the number permitted in the zoning district  
28 in which the proposed facility is to be located; and

1 (c) The facility is adequate to accommodate the number of residents requested, including  
2 but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.

3 (10) Conditions 2-9 shall not apply to a Group Residential Care Facility whose proposed location  
4 is not closer than one thousand five hundred feet to any of the following uses:

- 5 a. Another Group Residential Care Facility;
- 6 b. A Facility for Transitional Living for Released Offenders;
- 7 c. A Halfway House for Recovering Alcohol and Drug Abusers.

8 SECTION 5: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code  
9 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new  
10 subdivision entitled "HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG  
11 ABUSERS," reading as follows:

12 HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS [U, R-A, R-E, R-D,  
13 R-1, R-CL, R-2, R-3, R-4, R-5]

14 (1) The facility must comply on an ongoing basis with all governmental licensing requirements.

15 (2) Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation  
16 or substance abuse program that is supervised by a licensed medical professional, or a recognized  
17 substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting  
18 the use of drugs or alcohol by clients while they reside in the facility. Upon request, the facility  
19 operator shall produce evidence satisfactory to the Director that the facility is in compliance with this  
20 condition.

21 (3) The facility must be located on a parcel with a minimum size of six thousand five hundred  
22 square feet.

23 (4) The facility must be located on a parcel that is within one thousand five hundred feet of an  
24 existing bus stop served by a regional bus system.

25 (5) Off-street parking shall be provided on the basis of at least one space per five residents, plus  
26 an additional space for the administrator.

27 (6) Indoor common area shall be provided on the basis of a minimum of fifteen square feet per  
28 resident.

- 1 (7) The facility shall not be established or modified in a manner that would make it inconsistent  
2 with the scale and architectural character of the neighborhood.
- 3 (8) No signage, graphics, display, or other visual representation that is visible from a public street  
4 shall be used to identify to facility as a Halfway House for Recovering Alcohol and Drug Abusers.
- 5 (9) A facility may not be located closer than one thousand five hundred feet (measured by means  
6 of the shortest distance from property line to property line) from another Halfway House for  
7 Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, or  
8 a Group Residential Care Facility, except where there is an intervening street, freeway, or drainage  
9 channel wider than one hundred feet. The provisions of Section 19.04.040(B) do not apply to this  
10 Condition. However, a waiver of the distance limitation may be obtained from the City Council, after  
11 a recommendation from the Planning Commission, as follows:
- 12 (a) A public hearing must be conducted by both the Planning Commission and City  
13 Council, after notice of hearing has been provided as in the case of a Special Use Permit.
- 14 (b) The applicant must demonstrate to the satisfaction of the City Council that:
- 15 (i) Approval of the waiver will not adversely affect the health and safety of the  
16 general public or the residents of any existing or proposed facility whose location is being considered  
17 in connection with the waiver;
- 18 (ii) The location of the proposed facility in proximity to other facilities whose  
19 location is being considered will not inhibit the integration of disabled persons into the community  
20 or neighborhood in question;
- 21 (iii) The proposed facility will be operated in compliance with Conditions 1 and  
22 2;
- 23 (iv) The proposed facility will comply with Conditions 3 through 8 and Condition  
24 10, unless any such condition has been waived in connection with the approval of a Special Use  
25 Permit; and
- 26 (c) Approval of a waiver may be conditioned upon measures designed to ensure  
27 compatibility of the use.
- 28 (10) The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers

1 shall not exceed the following occupancy standards:

2 (a) For the first bedroom (deemed to be the largest bedroom), a maximum of two adults  
3 (eighteen years of age or older).

4 (b) For each bedroom thereafter:

5 (i) A maximum of one adult, for bedrooms less than one hundred square feet in  
6 area; and

7 (ii) A maximum of two adults, for bedrooms one hundred square feet in area or  
8 greater.

9 (11) Conditions 2-10 shall not apply to a Halfway House for Recovering Alcohol and Drug Abusers  
10 whose proposed location is not closer than one thousand five hundred feet to any of the following  
11 uses:

12 a. Another Halfway House for Recovering Alcohol and Drug Abusers;

13 b. A Facility for Transitional Living for Released Offenders; or

14 c. A Group Residential Care Facility.

15 SECTION 6: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code  
16 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the  
17 subdivisions entitled "HALFWAY HOUSE" and "TRANSITIONAL LIVING GROUP HOME."

18 SECTION 7: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code  
19 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new  
20 subdivision entitled "FACILITY FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS,"  
21 reading as follows:

22 FACILITY FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS [R-3, R-4, R-5]

23 \*(1) The facility must comply on an ongoing basis with all governmental licensing requirements.

24 (2) The facility must be located on a parcel with a minimum size of six thousand five hundred  
25 square feet.

26 (3) The facility must be located on a parcel that is within one thousand five hundred feet of an  
27 existing bus stop served by a regional bus system.

28 (4) Off-street parking shall be provided on the basis of at least one space per five residents, plus

1 an additional space for the administrator.

2 (5) Indoor common area shall be provided on the basis of a minimum of fifteen square feet per  
3 resident.

4 (6) The facility shall not be established or modified in a manner that would make it inconsistent  
5 with the scale and architectural character of the neighborhood.

6 (7) No signage, graphics, display, or other visual representation that is visible from a public street  
7 shall be used to identify to facility as a Facility for Transitional Living for Released Offenders.

8 (8) A facility may not be located closer than one thousand five hundred feet (measured by means  
9 of the shortest distance from property line to property line) from another Facility for Transitional  
10 Living for Released Offenders, a Halfway House for Recovering Alcohol and Drug Abusers, a Group  
11 Residential Care Facility, church, synagogue, school, child care facility licensed for more than twelve  
12 children, or City park.

13 (9) The number of occupants within a Facility for Transitional Living for Released Offenders shall  
14 not exceed the following occupancy standards:

15 (a) For the first bedroom (deemed to be the largest bedroom), a maximum of two adults  
16 (eighteen years of age or older).

17 (b) For each bedroom thereafter:

18 (i) A maximum of one adult, for bedrooms less than one hundred square feet in  
19 area; and

20 (ii) A maximum of two adults, for bedrooms one hundred square feet in area or  
21 greater.

22 SECTION 8: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of  
23 Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the terms “Group  
24 Residential Care Facility,” “Halfway House” and “Transitional Living Group Home,” along with their  
25 corresponding definitions.

26 SECTION 9: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of  
27 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,  
28 the following terms and their corresponding definitions:

1 “Facility for Transitional Living for Released Offenders” means a dwelling unit of a residential  
2 character that provides housing and a living environment for up to six persons who have been released  
3 from prison and who require assistance with reintegration into the community, other than such a  
4 residence that is operated or maintained by a state or local government or an agency thereof. The term  
5 does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment  
6 of abuse of alcohol or drugs. As used in this definition, “person who has been released from prison”  
7 means:

- 8 (1) A parolee;
- 9 (2) A person who is participating in:
  - 10 (a) A judicial program pursuant to NRS 209.4886 or 213.625; or
  - 11 (b) A correctional program pursuant to NRS 209.488 or 213.632;
- 12 (3) A person who is supervised by the Division of Parole and Probation of the Department  
13 of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
- 14 (4) A person who, within the past twenty years, has been released from prison by  
15 expiration of his term of sentence.

16 “Group Residential Care Facility” means a dwelling unit of a residential character which is used or  
17 intended to be used to provide long-term housing and care for up to ten persons who are aged, infirm,  
18 physically or mentally handicapped, or physically dependent, and are living together for the purpose  
19 of training, observation, common support, or a combination thereof. The term does not include an  
20 individual residential care facility, a facility for transitional living for released offenders, a halfway  
21 house for recovering alcohol and drug abusers, a convalescent care facility/nursing home, or any  
22 facility which:

- 23 (1) Provides surgical, medical, psychiatric or other specialized treatment a regular basis;  
24 or
- 25 (2) Provides housing, care or treatment to persons whose occupancy would constitute a  
26 direct threat to the health or safety of other individuals or their property.

27 “Halfway House for Recovering Alcohol and Drug Abusers” means a dwelling unit of a residential  
28 character that provides housing and a living environment for up to six recovering alcohol and drug



1 abusers and is operated to facilitate their reintegration into the community, but does not provide any  
2 treatment for alcohol or drug abuse. The term does not include a facility for transitional living for  
3 released offenders.

4 SECTION 10: In Sections 4, 5 and 7 of this Ordinance, the brackets that follow the  
5 titles of the subdivisions being added are not intended to indicate deleted matter, but instead are used  
6 as the means of indicating the applicable districts.

7 SECTION 11: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,  
8 19.04.040, 19.04.050 and 19.20.020 are deemed to be subchapters rather than sections.

9 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or  
10 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
11 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
13 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
14 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
15 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
16 invalid or ineffective.

17 SECTION 13: All ordinances or parts of ordinances or sections, subsections, phrases,  
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2006.

21 APPROVED:

22 By \_\_\_\_\_  
23 OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 \_\_\_\_\_  
26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28 \_\_\_\_\_  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2006, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2006, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

11

12 APPROVED:

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14 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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